

**IC 23-15**

**ARTICLE 15. MISCELLANEOUS PROVISIONS**

**IC 23-15-1**

**Chapter 1. Assumed Business Names**

**IC 23-15-1-1**

**Filing of certificate of assumed name; record; applicability to corporations; fees**

Sec. 1. (a) Except as otherwise provided in section 2 of this chapter:

- (1) a person conducting or transacting business in Indiana under a name, designation, or title other than the real name of the person conducting or transacting such business;
- (2) a corporation conducting business in Indiana under a name, designation, or title other than the name of the corporation as shown by its articles of incorporation;
- (3) a foreign corporation conducting business in Indiana under a name, designation, or title other than the name of the foreign corporation as shown by its application for certificate of authority to transact business in Indiana;
- (4) a limited partnership conducting business in Indiana under a name, designation, or title other than the name of the limited partnership as shown by its certificate of limited partnership;
- (5) a foreign limited partnership conducting business in Indiana under a name, designation, or title other than the name of the limited partnership as shown by its application for registration;
- (6) a limited liability company conducting business in Indiana under a name, designation, or title other than as shown by its articles of organization;
- (7) a foreign limited liability company conducting business in Indiana under a name, designation, or title other than the name of the limited liability company as shown by its application for registration;
- (8) a limited liability partnership conducting business in Indiana under a name, designation, or title other than the name of the limited liability partnership as shown by its application for registration; and
- (9) a foreign limited liability partnership conducting business in Indiana under a name, designation, or title other than the name of the limited liability partnership as shown by its application for registration;

shall file for record, in the office of the recorder of each county in which a place of business or an office of the person, limited partnership, foreign limited partnership, limited liability company, foreign limited liability company, corporation, or foreign corporation is situated, a certificate stating the assumed name or names to be used, and, in the case of a person, the full name and address of the person engaged in or transacting business, or, in the case of a corporation, foreign corporation, limited liability company, foreign

limited liability company, limited partnership, or foreign limited partnership, the full name and the address of the corporation's, limited liability company's, or limited partnership's principal office in Indiana.

(b) The recorder shall keep a record of the certificates filed under this section and shall keep an index of the certificates showing, in alphabetical order, the names of the persons, the names of the partnerships, the names of the limited liability companies, the corporate names of the corporations having such certificates on file in the recorder's office, and the assumed name or names which they intend to use in carrying on their businesses as shown by the certificates.

(c) Before the dissolution of any business for which a certificate is on file with the recorder, the person, limited liability company, partnership, or corporation to which the certificate appertains shall file a notice of dissolution for record in the recorder's office.

(d) The county recorder shall charge a fee in accordance with IC 36-2-7-10 for each certificate, notice of dissolution, and notice of discontinuance of use filed with the recorder's office and recorded under this chapter. The funds received shall be receipted as county funds the same as other money received by the recorders.

(e) A corporation, limited liability company, or limited partnership subject to this chapter shall, in addition to filing the certificate provided for in subsection (a), file with the secretary of state a copy of each certificate.

(f) A person, partnership, limited liability company, or corporation that has filed a certificate of assumed business name or names under subsection (a) or (e) may file a notice of discontinuance of use of assumed business name or names with the secretary of state and with the recorder's office in which the certificate was filed or transferred. The secretary of state and the recorder shall keep a record of notices filed under this subsection.

(g) A corporation or limited partnership, domestic or foreign, that is subject to this chapter and that does not have a place of business or an office in Indiana, shall file the certificate required under subsection (a) in the office of the recorder of the county where the corporation's or limited partnership's registered office is located. The certificate must state the assumed name or names to be used, the name of the registered agent, and the address of the registered office. The corporation or limited partnership must comply with the requirements in subsection (e).

(h) The secretary of state shall collect the following fees when a copy of a certificate is filed with the secretary of state under subsection (e):

(1) A fee of thirty dollars (\$30) from a corporation (other than a nonprofit corporation), limited liability company, or a limited partnership.

(2) A fee of twenty-six dollars (\$26) from a nonprofit corporation.

*(Formerly: Acts 1909, c.151, s.1; Acts 1949, c.61, s.1; Acts 1965,*

*c.241, s.1.) As amended by P.L.34-1987, SEC.393; P.L.146-1988, SEC.1; P.L.231-1989, SEC.1; P.L.226-1989, SEC.20; P.L.75-1990, SEC.12; P.L.8-1993, SEC.327; P.L.96-1993, SEC.3; P.L.230-1995, SEC.18; P.L.277-2001, SEC.11.*

### **IC 23-15-1-2**

#### **Exceptions**

Sec. 2. This chapter does not apply to:

- (1) a person doing business under a name, designation, or title that includes the true surnames of the person or, if the person is not an individual, some or all of the true surnames of the individuals comprising the person; and
- (2) a church, a lodge, or an association the business of which is conducted or transacted by trustees under a written instrument or declaration of trust that is recorded in the recorder's office of each county in which the business is conducted or transacted.

*(Formerly: Acts 1909, c.151, s.2; Acts 1965, c.241, s.2.) As amended by P.L.34-1987, SEC.394; P.L.226-1989, SEC.21.*

### **IC 23-15-1-3**

#### **Violation**

Sec. 3. A person, corporation, foreign corporation, limited liability company, foreign limited liability company, limited partnership, or foreign limited partnership that violates this chapter commits a Class B infraction.

*(Formerly: Acts 1909, c.151, s.3; Acts 1965, c.241, s.3.) As amended by Acts 1978, P.L.2, SEC.2324; P.L.226-1989, SEC.22; P.L.8-1993, SEC.328.*

### **IC 23-15-1-4**

#### **Compliance with former act**

Sec. 4. Compliance with the requirements Acts 1941, c.192, prior to July 8, 1965, shall be deemed compliance with this chapter.

*(Formerly: Acts 1965, c.241, s.6.) As amended by P.L.34-1987, SEC.395.*

### **IC 23-15-1-5**

#### **"Person" defined**

Sec. 5. As used in this chapter, "person" means an individual, association, or other legal entity. The term does not include a:

- (1) corporation (as defined in IC 23-1-20-5);
- (2) foreign corporation (as defined in IC 23-1-20-11);
- (3) foreign limited partnership (as defined in IC 23-16-1-6);
- (4) limited partnership (as defined in IC 23-16-1-9);
- (5) limited liability company (as defined in IC 23-18-1-11); or
- (6) foreign limited liability company (as defined in IC 23-18-1-9).

*As added by P.L.226-1989, SEC.23. Amended by P.L.8-1993, SEC.329.*